In the Claims

Kindly amend claims 24, 25, 40, 42, as indicated in the following listing of all the claims in the application.

1-23 (canceled)

24. (currently amended) A phospholipid gel comprising: a) a range of ~~about 5-60%~~ greater than 10% to about 60% by weight of at least one phospholipid; b) at least 1% by weight of at least one dihydric or trihydric C_2-C_4 -alcohol; c) a range of about 0.5-35% by weight of at least one polyhydric alcohol selected from the group consisting of tetrahydric alcohols, pentahydric alcohols, hexahydric alcohols and sugars; d) one or more additives having pharmaceutical activity or cosmetic action; ~~and d)~~ and e) water to 100% by weight, the percent by weight data in each case relating to the total gel.

25. (currently amended) The phospholipid gel of claim 24, ~~further comprising one or more additives having cosmetic actions~~ wherein the at least one additive having cosmetic action is selected from the group consisting of vitamins, sunscreen filters and alpha-hydroxy acids.

26.(previously presented) The phospholipid gel of claim 24, wherein the sugar is selected from the group consisting of mono-, di-, and oligosaccharides.

27. (previously presented) The phospholipid gel of claim 24, wherein the polyhydric alcohol is a sugar alcohol selected from the group consisting of glucose, fructose, sucrose, trehalose, xylitol, maltitol, inositol, sorbitol and mannitol.

28. (previously presented) The phospholipid gel of claim 24 comprising 2-20% by weight of at least one polyhydric alcohol selected from the group consisting of tetrahydric alcohols, pentahydric alcohols, hexahydric alcohols and sugars.

29. (previously presented) The phospholipid gel of claim 24 comprising 2.5-10% by weight of at least one polyhydric alcohol selected from the group consisting of tetrahydric alcohols, pentahydric alcohols, hexahydric alcohols and sugars.

30. (previously presented) The phospholipid gel of claim 24 comprising about 1-40% by weight of at least one dihydric or trihydric C_{2-4} -alcohol.

31. (previously presented) The phospholipid gel of claim 24 comprising about 15-40% by weight of at least one di- or trihydric C_{2-4}-alcohol.

32. (previously presented) The phospholipid gel of claim 24, wherein the dihydric or trihydric C_{2-4}- alcohol is at least one alcohol selected from the group consisting of propanediol, propylene glycol and glycerol.

33. (previously presented) The phospholipid gel of claim 32 comprising about 15-30% by weight of propylene glycol and about 0-10% by weight of glycerol.

34. (previously presented) The phospholipid gel of claim 33 comprising about 2.5 – 7.5% by weight of glycerol.

35. (previously presented) The phospholipid gel of claim 24 or 25 further comprising up to 10% by weight of at least one alcohol selected from the group consisting of ethanol, 1-propanol and 2-propanol.

36. (previously presented) The phospholipid gel of claim 24, wherein said phospholipid comprises a phosphatidylcholine content of at least 70% by weight based on the phospholipid.

37. (previously presented) The phospholipid gel of claim 24, wherein said phospholipid is further comprised of a nonhydrogenated phospholipid having a phosphatidylcholine content of at least 70% by weight based on the phospholipid.

38. (previously presented) The phospholipid gel of claim 24, wherein said phospholipid comprises a mixture of phosphatidylcholine and lysophosphatidylcholine, said mixture containing at least 75% by weight of phosphatidylcholine.

39. (previously presented) The phospholipid gel of claim 24, wherein said phospholipid comprises a hydrogenated phospholipid having at least 90% by weight of phosphatidylcholine.

40. (currently amended) The phospholipid gel of claim 24, comprising ~~about 5-25%~~ greater than 10 % to about 25% by weight of at least one phospholipid.

41. (previously presented) The phospholipid gel of claim 24, comprising about 15-25% by weight of at least one phospholipid.

42. (currently amended) The phospholipid gel of claim 24 or 35, ~~further comprising a~~ wherein the at least one pharmaceutically active additive ~~compound selected~~ is selected from the group consisting of: anti-inflammatories, nonsteroidal antirheumatics, corticoids, peptides, hormones, enzymes, nucleic acids, virustatics, vitamins, local anesthetics, antimycotics, antibiotics, circulation-promoting agents, α-sympatho-mimetics, antipsoriatics and ~~nose drops~~ rhinologics.

43. (previously presented) The phospholipid gel of claim 42, wherein said pharmaceutically active compound is selected from the group consisting of: acyclovir, heparin, diclophenac, hydrocortisone, xylometazoline, diphenhydramine, calcitonin, cyclosporin, indomethacin and insulin.

44. (previously presented) The phospholipid gel of any one of claims 24, 25, 35 or 42, further comprising at least one buffer having a high buffer capacity in the range of about pH 5.5-8.0.

45. (previously presented) The phospholipid gel of claim 44 comprising at least one buffer having a high buffer capacity of about pH 6.5.

46. (previously presented) The phospholipid gel of claim 44, wherein said buffer is selected from the group consisting of: BISTRIS, phosphate buffer, hydrogencarbonate buffer, maleate buffer, HEPES, TRIS and MOPS.

47. (previously presented) A cosmetically acceptable formulation comprising the phospholipid gel as claimed in any one of claims 24, 25, 35 or 44.

48. (previously presented) A pharmaceutically acceptable formulation comprising the phospholipid gel as claimed in any one of claims 24, 35, 42 or 44.

49. (previously presented) The cosmetically acceptable formulation of claim 47 for use in dermatological applications.

50. (previously presented) The pharmaceutically acceptable formulation of claim 48 for use in dermatological applications.

51. (previously presented) The cosmetic formulation of claim 47 for use as a lip gel, nasal gel, ophthalmic gel, vaginal gel or anal gel.

52. (previously presented) The pharmaceutical formulation of claim 48 for use as a lip gel, nasal gel, ophthalmic gel, vaginal gel or anal gel.

53.(previously presented) A process for the production of a phospholipid gel as claimed in any one of claims 24, 25, 35, 42, or 44, wherein said gel is prepared by mixing the constituents under vacuum or under an inert gas atmosphere.

54. (previously presented) A process for the production of the cosmetically acceptable formulation of claim 47 wherein said formulation is prepared by mixing its constituents under vacuum or under an inert gas atmosphere.

55. (previously presented) A process for the production of the pharmaceutically acceptable formulation of claim 48 wherein said formulation is prepared by mixing its constituents under vacuum or under an inert gas atmosphere.

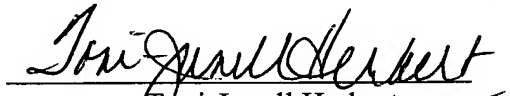
CONCLUSION

Applicants respectfully ask that the above resubmitted section be merged with the prior filed response and amendments prior to re-examination and reconsideration.

Should the Instruments Examiner have any questions or believe a personal or telephonic interview may be in order, he is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,

REED SMITH LLP

By: 
Toni-Junell Herbert
Reg. No. 34,348

Date: 10/22/04

1301 K Street
Suite 1100 East Tower
Washington, D.C. 20005
202.414.9204
Fax 202.414.9299